

10-18-02

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/054,513
Filing Date	11/13/2001
First Named Inventor	Yeung et al.
Group Art Unit	2681
Examiner Name	Unknown
Total Number of Pages in This Submission	13
Attorney Docket Number	66329/20690

RECEIVED

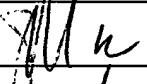
OCT 18 2002

OFFICE OF PETITIONS

ENCLOSURES (check all that apply)

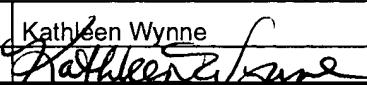
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <small>Request for Reconsideration of Petition; Statement of Facts; Copy of returned letter to missing inventor; Postcard to be time-stamped and returned.</small>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Susan L. Mizer Arter & Hadden LLP
Signature	
Date	10/15/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 10/17/2002

Typed or printed name	Kathleen Wynne
Signature	
Date	10/17/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

Application Number	10/054,513
Filing Date	11/13/2001
First Named Inventor	Yeung et al.
Examiner Name	Unknown
Group Art Unit	2681
Attorney Docket No.	66329/20690

METHOD OF PAYMENT

 1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

 Deposit Account Number
 50-0902(66329/20690)

 Deposit Account Name
 Arter & Hadden LLP

 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

 Applicant claims small entity status. See 37 CFR 1.27

 2. Payment Enclosed:

 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

0.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	0 X	= 0
Independent Claims	- 3** =	0 X	= 0
Multiple Dependent			= 0

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

\$0.00

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Susan L. Mizer	Registration No. (Attorney/Agent)	38,245	Telephone	(330) 696-3466
Signature	Susan L. Mizer			Date	10/15/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



76

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael Yeung et al.
FOR : METHOD AND SYSTEM FOR WIRELESS
APPLICATION NO. : 10/054,513
FILING DATE : November 13, 2001
EXAMINER : Unknown
ART UNIT : 2681
DOCKET NO. : 66329/20690

October _____, 2002
Cleveland, Ohio 44115-1475

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

BOX DAC
Attn: Nancy Johnson, Petitions Attorney
Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
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Dear Sir:

This communication is in response to the Decision Refusing Status Under 37 CFR § 1.47(a) dated September 25, 2002. In response thereto, Applicants hereby respectfully resubmit a copy of the Statement of Facts in Support of Filing on Behalf of the Non-Signing Inventor executed by Michael Yeung, co-inventor and Director of Engineering, Document Solutions Engineering, for Toshiba American Business Solutions, Inc. In furtherance of Applicants' assertions, Applicants also submit a copy of the unclaimed certified letter and return envelope, which bore no forwarding address label from the United States Postal Service. Applicants further submit a copy of a listing for Brad Emerson at his last known address found on www.switchboard.com. Applicants has attempted to contact Mr. Emerson at the phone

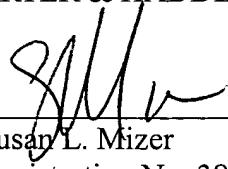
number provided on the *switchboard.com* website. However, the phone number has been disconnected and no forwarding phone number is given. Applicants have been unsuccessful in finding an e-mail address for Mr. Emerson. Further more, given the relative commonness of Mr. Emerson's name, it is difficult to guess if one of the numerous "Brad Emerson's" or "B. Emerson's" listed on internet directories is in fact the current address of our non-signing inventor.

Furthermore, Applicants are still engaged in an ongoing effort to locate the non-signing inventor, Brad Emerson. However, for timeliness reasons and in order to prevent incurring additional extension charges, Applicants filed the declaration on behalf of the non-signing joint inventor who cannot be found or reached.

It is respectfully submitted that all deficiencies in the Decision Refusing Status Under 37 CFR § 1.47(a) have been fulfilled and that the Petition is now in proper condition for further processing. The Commissioner is hereby authorized to charge any additional fees which may be required by this petition, or credit any overpayment, to Deposit Account No. 50-0902 (66329/20690).

Respectfully Submitted,

ARTER & HADDEN LLP



Susan L. Mizer
Registration No. 38,245
1100 Huntington Building
925 Euclid Avenue
Cleveland, Ohio 44115-1475
(216) 696-3466 (phone)
(216) 696-2645 (fax)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael Yeung et al.
FOR : METHOD AND SYSTEM FOR WIRELESS
APPLICATION NO. : 10/054,513
FILING DATE : November 13, 2001
EXAMINER : Unknown
ART UNIT : 2681
DOCKET NO. : 66329/20690

STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR (37 C.F.R. § 1.47)

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
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OFFICE OF PETITIONS

Dear Sir:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration, assignment and power of attorney by the non-signing inventor for the above-identified patent application before and after deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein:

I, Michael Yeung, hereby declare:

1. I am a co-inventor and the Director of Engineering, Document Solutions Engineering, for Toshiba American Business Solutions, Inc., and am responsible for

overseeing all patents and patent applications related to Document Solutions Engineering, including Application No. 10/054,513, and as such have personal knowledge of the facts contained in this declaration.

2. Prior to filing the application and pursuant to receiving a Notice to File Missing Parts of Non-Provisional Application mailed February 21, 2002, I have been attempting to contact Brad Emerson, one of inventors of this application so he can sign the declaration, power of attorney and assignment. I have also instructed our attorneys filing this application to attempt to contact Mr. Emerson. However, numerous attempts to contact him at his last known address, 1765 Santa Anna Avenue, Apt. V-103, Costa Mesa, California 92627, and phone number, (949) 548-7814, have been unsuccessful.

3. More specifically, we have repeatedly attempted to contact him by telephone and by Certified Mail, as shown in the attached letter. When telephoning Mr. Emerson, we are told that the line has been disconnected. Further, we have received no response to our letters. We have also unsuccessfully attempted to find possible new addresses for Mr. Emerson through various internet address directories.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8/19/02

Date

Michael Y

By: MICHAEL YEUNG



ARTER & HADDEN LLP

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facsimile 216.696.2645

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San Francisco
Washington, D.C.
Woodland Hills
Affiliate Office
Geneva, Switzerland

Direct Dial: (216) 696-3466
Internet Address: susan.mizer@arterhadden.com

July 25, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Brad Emerson
1765 Santa Anna Avenue
Apartment V-103
Costa Mesa, California 92627

RECEIVE
OCT 18 2002
OFFICE OF PETITION

Re: Toshiba Patent Application Entitled:
"A Method and System for Wireless Interfacing of Electronic Devices" having
Serial No: 10/054,513
Filed: November 13, 2001

Dear Mr. Emerson:

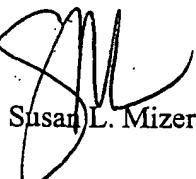
We represent Toshiba American Business Solutions before the U.S. Patent & Trademark Office for the above-referenced patent application. It is our understanding that while employed by Toshiba you were involved in the development of the above-referenced invention, and were subsequently named as inventor on the invention disclosure form provided to us by Toshiba.

Patent Office procedures require us to submit a Declaration signed by all inventors, which affirms that the named inventors were the original and first inventors of the subject matter claimed and for which a patent is sought. Enclosed please find such a Declaration for your signature. Also enclosed is an Assignment, which transfers all right, title and interest in and to said application from the inventors to Toshiba, as the invention was made in a work-made-for-hire capacity.

Please sign both the Declaration/Power of Attorney and Assignment at the indicated areas and return them to us at your earliest convenience for filing with the Patent Office. Naturally, please contact us if you have any questions or concerns.

Sincerely yours,

ARTER & HADDEN LLP



Susan L. Mizer

SLM/ack
Enclosure
669456_1.doc



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U.S. Postal Service
CERTIFIED MAIL RECEIPT
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51210	
Postage	\$.83
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88

1099 3400 0013 7753 0268

26 OCT 2002
U.S. POSTAL SERVICE
Cleveland, OH Main Office
Postmark

Recipient's Name (Please Print Clearly) (to be completed by mailer)
Brad Emerson
Street, Apt. No.; or PO Box No.
1765 Santa Anna Avenue - Apt. V-103
City, State, ZIP+4
Costa Mesa, CA 92627

PS Form 3800, February 2000 See Reverse for Instructions



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8-16
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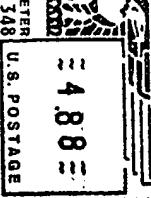
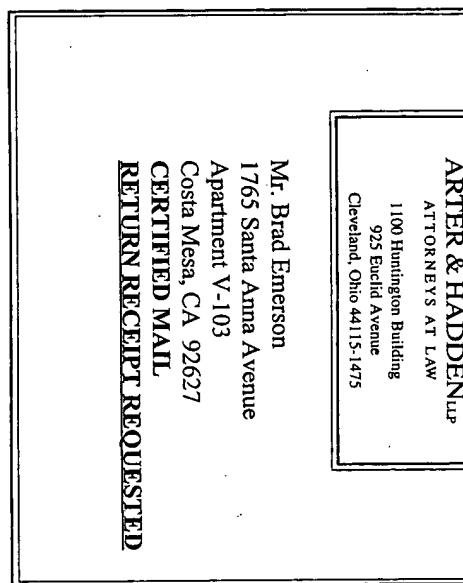
OFFICE OF PETITIONS

7099 3400 0013 7753 0268



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PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brad Emerson
1765 Santa Anna Avenue
Apartment V-103
Costa Mesa, CA 92627

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature	
<input checked="" type="checkbox"/> X	
<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail
<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

2. Application Number (Copy from service label)
709934100137530268

PS Form 3811, July 1999
102595-00-M-0952
Domestic Return Receipt

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